

06 March 2023

The Director-General:  
Department of Water and Sanitation  
Private Bag X313  
Pretoria  
0001

Attention: Dr Sean Phillips  
By Email: MdakaneP@dws.gov.za

Dear Dr Philips

## **PROCESS FOR ISSUING WATER USE LICENCES**

Your letter of 6 February 2023, Reference WULM/BUSA 2022/1 has reference.

BUSA acknowledges the various interventions that are being implemented by the Department to minimise the risk of errors or omissions in the issued water use licences. BUSA notes that the Department considers these measures sufficient to address the concerns raised by BUSA while maintaining the mandate of the Department of regulating of the use of water resources.

BUSA appreciates that the Department has proposed the establishment of a Task team to assess water use licence conditions as an alternative measure to the issuing of draft licences. BUSA confirms their participation in the Task Team with the objective of improving the process of water use licensing.

## **COMMENTS ON THE TASK TEAM TERMS OF REFERENCE**

BUSA members have reviewed the draft Terms of reference and make the following comments and input for consideration.

1. *Objectives of the Task Team:* BUSA proposes that the objectives of the Task Team be expanded to include a review of licences that have been rejected through the 90-day application process to establish whether an additional intervention by the Department is required. BUSA members are raising concerns about a number of licences that are being rejected and the reasons for the rejection. A proactive approach to this issue of concern would be preferable to in advance mitigate potential gaps in the regulatory framework. The Task Team provides the ideal platform for this review.
2. *Timeframe of licences to be reviewed:* 1 July 2022 to 30 Sept 2023.

3. *Collation of licences with errors:* BUSA accepts the responsibility for raising awareness amongst their members of the establishment and objectives of the Task Team and for the collation of licences with errors. BUSA requests that the Department takes responsibility for notifying officials within the regional offices and catchment management agencies who are responsible for the issuing of water use licences of this Task Team to mitigate any misunderstandings.
4. *Outcome of the Task Team Process:* It is important that the Task Team monitors the corrective actions implemented to amend the errors in licences, as well as the time taken to finalise the amendments and to re-issue the licences. Based on learnings from the implementation of a corrective process, the Task Team should develop a framework that defines agreed timeframes, actions and responsibilities for rectifying agreed errors – both now and for future applications and processes. This will provide another mechanism against which success of the interventions implemented by the Department can be measured.
5. *Meetings:* It is proposed that virtual meetings be held, where appropriate. At the first meeting it is recommended that metrics to be used to measure the success of implementation of the new regime be discussed and agreed. Quarterly meetings are supported.
6. *Work Programme:* It is recommended that the work programme be amended to reflect the current status of the actions. Time will be required to finalise the Terms of Reference and for BUSA to collate licences that require review. BUSA therefore suggests that the first meeting be held before the bilateral meeting that is scheduled for 5 May 2023. Meetings should be arranged in advance to ensure the participation of all Task Team members. The work programme should be extended to March 2024 to accommodate four meetings and time to compile a final report and actions list, and thereafter a progress report as monitoring will continue by BUSA members.

## **CONCLUSION**

BUSA is looking forward to collaborating with the DWS to improve water use licensing thereby mitigating the impact on business operations and the economy. BUSA is available to discuss our recommendations to the Terms of Reference for the Task Team so that we can finalise the agreement and commence with this important review process.

Your sincerely

**Happy Khambule**

**Manager: Environment and Energy**